

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Irrigation and C.A.D. Department – Allegation of acquisition of assets disproportionate to his known sources of income against Sri Rachagolla Venkaiah, Deputy Executive Engineer (Retd.), formerly in the Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore District – Departmental proceedings under rule 20 of A.P.C.S. (CC & A) Rules, 1991 – Initiated – Regular inquiry conducted and dropped further action – Review under Rule 41 of A.P.C.S. (CC & A) Rules, 1991 – Imposition of 2% cut in pension for two (2) years on Sri R. Venkaiah, Deputy Executive Engineer (Retd.) – Orders – Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT (SER.VI) DEPARTMENT

G.O.Ms.No. 54

Dated: 05.06.2013.
Read the following:-

- 1) G.O.Rt.No.718, Irrigation & CAD (Ser.VI-1) Department, dated 21.06.2005.
- 2) From Sri. R. Venkaiah, D.E.E. (Retd.) written statement of defence, dated 25.09.2005 and 16.11.2005.
- 3) G.O.Rt.No.1413, Irrigation & CAD (Ser.VI-1) Department, dated 24.10.2006.
- 4) Govt.Memo.No.4821/Ser.VI-1/2003-35, dated 16.11.2006.
- 5) From Smt. Chandana Khan, I.A.S., Commissioner of Inquiries, D.O.Lr.No.427/COI-CK/2006, dated 12.02.2009.
- 6) G.O.Rt.No.553, Irrigation & C.A.D. (Ser.VI-2) Department, dated 07.05.2009.
- 7) Govt.Memo.No.4821/Ser.VI/A2/2003-60, dated 23.02.2012.
- 8) From Sri R. Venkataiah, D.E.E. (Retd.) representation, dated 04.06.2012.
- 9) Govt.Memo.No.4821/Ser.VI/A2/2003-67, dated 18.12.2012.
- 10) From Sri R. Venkaiah, Deputy Executive Engineer (Retd.) representation, dated 26.03.2013.
- 11) Govt. Letter No.4821/Ser.VI/A2/2003-70, dated 01.05.2013.
- 12) From the Secretary, A.P. Public Service Commission, Hyderabad, Letter No.982/RT/2/2013, dated 23.05.2013.

ORDER:-

It has been brought to the notice of the Government that a Disproportionate Assets case was registered by the Anti-Corruption Bureau authorities against Sri R. Venkaiah, formerly Deputy Executive Engineer, Q.C. Division, Somasila Swarnamukhi Link Canals (TGP), Nellore district, as he had acquired assets disproportionate to the known sources of his legal income.

2. In the reference 1st read above, departmental action was initiated under rule 20 of A.P.C.S. (CC & A) Rules, 1991 against Sri. R. Venkaiah, formerly Deputy Executive Engineer, Q.C. Division, Somasila Swarnamukhi Link Canals (TGP), Nellore district on the allegations that, he failed to obtain prior permission from the competent authority for acquisition of all assets and also not informed the same in his Annual Property Returns and also not informed the income derived by him and his wife. In the reference 2nd read above, Sri R. Venkaiah, Deputy Executive Engineer (Retd.) has submitted his written statement of defence, denying the charges framed against him.

(P.T.O.)

3. After examining the written statement of defence, it was decided to conduct a detailed inquiry into the charges by entrusting the case to the Commissioner of Inquiries and accordingly, orders were issued in the reference 3rd read above, by appointing Smt. Chandana Khan, I.A.S., Member, Commissioner of Inquiries, General Administration Department as an Inquiring Authority for conducting a detailed enquiry into the charges framed against Sri. R. Venkaiah, Deputy Executive Engineer (Retd.) and in the reference 4th read above, Sri P. Srinivasa Reddy, Advocate was appointed as Presenting Officer to present the case before the Inquiring Authority on behalf of the disciplinary authority.

4. In the reference 5th read above, the Inquiring Authority has submitted her findings stating that the charge is not established and he may be exonerated of the charge. The report of the Inquiring Authority was examined and it was decided to accept the findings of the Inquiring Authority. Accordingly, orders were issued, by exonerating the charged officer from the charges and dropping further action against him, vide reference 6th read above.

5. Disciplinary action was also initiated against Sri. D. Subbarayudu and Sri. D. Chenchu Raju, the then Junior Assistants, SSLC & SB Division No.1, Nellore by way of issuing Articles of Charges and obtained their written statements of defence. Charges against the two Junior Assistants were related to tampering of the office records related to the Annual Property Returns filed by Sri. R. Venkaiah, the then Deputy Executive Engineer. The two Junior Assistants, by their own admission, had tampered with the office records to facilitate the filing of ante-dated Annual Property Returns by Sri. R. Venkaiah, the then Deputy Executive Engineer. A minor penalty of withholding of two Annual Grade Increments without cumulative effect was imposed against both the Junior Assistants.

6. Government have re-examined the entire issue and observed that the Presenting Officer has failed to produce the Junior Assistants who have cooperated with the Charged Officer by resorting to the tampering of record i.e., creation of record showing that the Charged Officer has submitted the Annual Property Returns with ante date, as witnesses in this case. The Junior Assistants did accept that they have cooperated with Sri. R. Venkaiah in creating evidence to the effect that Sri R. Venkaiah filed Annual Property Returns during the inquiry held against them. It has been further observed that the main reason for dropping of charges against Sri R. Venkaiah is the failure on the part of the Presenting Officer to produce both the Junior Assistants as witnesses before the Inquiring Authority. Therefore, it has been decided to review the disciplinary case of Sri R. Venkaiah, formerly Deputy Executive Engineer, Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore district (now retired) under Rule 41 of A.P. Civil Services. (CC & A) Rules, 1991.

7. Accordingly, while communicating a copy of the report of the Inquiring Authority received vide reference 5th read above, Sri R. Venkaiah, formerly Deputy Executive Engineer, Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore district (now retired) was directed to submit his representation if any, within (15) days from the date of receipt of this Memo., vide reference 7th read above.

8. In the reference 8th read above, Sri R. Venkaiah, Deputy Executive Engineer (Retd.) has stated among other things and requested to drop further action against him, as all the allegations made against him in the said Memo. is absolutely false and far from the truth and actualities.

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9. Government have examined the matter, and a provisional decision has been taken to impose a penalty of 2% cut in pension for a period of two (2) years on Sri R. Venkaiah, Deputy Executive Engineer (Retd.) as both the Junior Assistants had agreed that they had cooperated with Sri R. Venkaiah, Deputy Executive Engineer (Retd.) in tampering the records. Accordingly, in the reference 9th read above, while indicating the quantum of above said punishment, Sri R. Venkaiah, Deputy Executive Engineer (Retd.) was directed to submit his representation if any, on the proposed punishment, within a period of (15) days for taking further action in the matter.

10. In the reference 10th read above, Sri R. Venkaiah, Deputy Executive Engineer (Retd.) has submitted his representation stating that on the allegations leveled against him in the Charge Memo., the Commissioner of Enquiries after considering the entire material on record clearly held the charges framed against him are not proved, and accordingly the Govt. issued orders vide G.O.Rt.No.553, Irrigation & C.A.D. (Ser.VI-2) Department, dated 07.05.2009, by dropping further action against him. In spite of it reviewing the said disciplinary case under the guise of alleged admission by Junior Assistants which is not part and parcel of record before the Commissioner of Enquiries is nothing but aimed to some how victimize him even after seven years of his retirement. He has further stated that the best illustration of penalizing a public servant by imposing penalty of 2% cut in pension for a period of 2 years for alleged violation of conduct rules, seven years after retirement, that too after the Commissioner of Enquiries clearly giving a finding that the charges against him are not proved. He has also submitted that actually, he is least bothered about the financial loss going to be suffered by him by imposing 2% cut in his pension for 2 years, but he is pointing out the vindictive attitude of the Government for punishing him at this juncture. He has finally stated that if the Government still confirms to impose 2% cut in his pension for 2 years for sin he never committed, he will have to fight legally by filing a case before the Hon'ble A.P.A.T., Hyderabad by duly exposing the Government for their proposed action which is totally unjustifiable and for harassing a public servant long after his retirement on pretext or other even though he did not commit any sin.

11. As there are no new grounds put forth by the above said Deputy Executive Engineer (Retd.), in the reference 11th read above, the Secretary, A.P. Public Service Commission, Hyderabad was requested to obtain the concurrence of the Commission on the proposed penalty i.e. 2% cut in pension for a period of two (2) years on the charged officer Sri R. Venkaiah, Deputy Executive Engineer (Retd.), formerly in the Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore District, subject to review on the outcome of the Prosecution case pending before the Hon'ble Court of Special Judge for SPE & ACB Cases, Nellore vide C.C.No.24/2005.

12. In the reference 12th read above, the Secretary, A.P. Public Service Commission, Hyderabad has informed that the Commission agreed with the proposal of the Government i.e. to impose punishment of 2% cut in pension for a period of 2 years against Sri R. Venkaiah, Deputy Executive Engineer (Retd.).

13. After careful examination of the entire matter, it has been decided to impose the punishment of 2% cut in pension for a period of two (2) years on the Charged Officer Sri R. Venkaiah, Deputy Executive Engineer (Retd.), formerly in the Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore District. Accordingly, Government hereby order to impose the punishment of 2% cut in pension for a period of two (2) years on Sri R. Venkaiah, Deputy Executive Engineer (Retd.), formerly in the Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore District, subject to review on the outcome of the Prosecution case pending before the Hon'ble Court of Special Judge for SPE & ACB Cases, Nellore vide C.C.No.24/2005.

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14. A copy of the reference 12th read above is herewith enclosed.
15. The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri R. Venkaiah, Deputy Executive Engineer (Retd.), formerly in the Quality Control Division, Somasila Swarnamukhi Link Canals, (TGP), Nellore District through Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

Copy to:-

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General (A & E), Andhra Pradesh, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission, A.P. Vigilance Commission, Hyderabad.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER